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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,377	09/02/2004	Johan Hendrik Antoon Gelissen	NL 020221	1194
24737 7590 10/31/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER ANDRAMUNO, FRANKLIN S	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/506,377

Applicant(s)

GELISSEN, JOHAN HENDRIK  
ANTOON

Examiner

Franklin S. Andramuno

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/02/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guissin (Patent Number 5,799,111) in view of Clark (Patent Number 6,741,569 B1) in view of Ali (Patent Number 7,010,159 B2). Hereinafter referred as Guissin, Clark, and Ali.

Regarding claims 1 and 14, Guissin discloses a system and method of providing information for achieving better perceived image quality of a transmitted video data stream, including the steps of: transmitting a coded video data stream to a receiving device (**Image Preprocessing Unit (12) in figure 1**), and transmitting information about subjective quality relating to the video data stream (**Computation Unit (410) in figure 16**) to the receiving device in order for the receiving device to be able to use said

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information when processing the video data stream. **However, Guissin fails to disclose** achieving better perceived subjective image quality. Clark teaches his invention relates to methods of estimating the subjective quality of multimedia communications system in which audio, voice or video is digitized, compressed, etc **(column 1 lines 8-12). However, Guissin fails to disclose** providing the information about the quality of the video to a receiving device. Ali provides an image quality controller comprising a random set of metrics ranging from M1 to Mn **(Figure 1A part (110))**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Guissin's invention to include the achievement of a better perceived subjective image quality. This is a useful combination because a better video quality is achieved by looking only at specific parameters such as moving video or still images in a video.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Guissin's invention to send the information about the quality of the video to a receiving device. This is a useful combination because the receiver is able to choose the quality of the video at the receiving side.

Regarding claim 2, Clark discloses a method according to claim 1, further comprising the step of inserting the information about subjective quality in the data stream for indicating the importance of processing non-program content characteristics

in view of content quality, so that the information about subjective quality can be extracted from the video data stream (**Column 9 lines 22-27**).

Regarding claim 3, Guissin discloses a method according to claim 1, wherein the information about subjective quality includes program information from an electronic program guide (**EPG Computation Unit (440) in figure 17**).

Regarding claims 4, 11 and 16, Guissin discloses a system and method according to claims 1, 9 and 14, wherein the information about subjective quality includes information about content type per frame, per group of frames or per scene (**Column 39 lines 56-67**).

Regarding claim 5, Clark discloses a method according to claim 1, wherein the information about subjective quality includes information enabling prioritization of non-content program characteristics in the receiving device (**Update History and Tracking (724) in figure 7**).

Regarding claims 6 and 17, Clark discloses a method and system of processing a video data stream comprising the steps of: receiving a video data stream (**Read Codec Parameters (702) in figure 7**), receiving information about subjective quality relating to the video data stream, and using the information about subjective quality when processing the video data stream in order to achieve better perceived image quality (**column 1 lines 57-61**).

Regarding claims 7 and 18, Clark discloses a system and method according to claims 6 and 17, wherein the step of using includes using the information about

subjective quality for control of non-program content characteristics when decoding the video data stream (**column 3 lines 13 –50**).

Regarding claim 8, Clark discloses a method according to claim 6, wherein the step of using includes using the information about subjective quality for post processing of the video data stream after decoding (**column 6 lines 20-31**).

Regarding claims 9 and 19, Clark discloses a system and method according to claims 6 and 17, wherein the information about subjective quality is included in the video data stream for indicating the importance of processing on non-program content characteristics (**column 8 lines 51-56**) in view of content quality and further including the step of extracting the information (**Voice Quality Monitor (309) in figure 3**) about subjective quality from the coded video data stream (**Providing image quality information to at least one of a system optimizer (190) in figure 1B Ali**).

Regarding claim 10, Guissin discloses a method according to claim 6, wherein the information about subjective quality includes program information from an electronic program guide (**EPG Address computation unit (310) in figure 14**).

Regarding claim 12, **Guissin** discloses a method according to claim 7, wherein the non-program content characteristics are any of the characteristics frame rate, resolution, color depth or motion estimation (**Column 3 line 59 - column 4 line 5**).

Regarding claims 13 and 20, Clark discloses a system and method according to claims 7 and 17, wherein the step of using includes prioritizing (**Ranking said plurality (180) in figure 1B**) the different non-program content characteristics based on the

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information on subjective quality (**Update History and Tracking (724) in figure 7**) and controlling the decoding of the video data stream according to the prioritization made (**Decoder (3540) in figure 33 Guissin**).

Regarding claim 15, Clark discloses a device according to claim 14, wherein the video transmitting unit and the information transmitting unit are incorporated in the same transmitting unit (**Voice Quality (308) in figure 4**), so that the information about subjective quality is included in the video data stream for indicating the importance of processing on given non-program content characteristics in view of content quality (**Combined Quality Degradation Estimate (404) in figure 4**).

Regarding claim 21, Guissin discloses a device according to claim 17, further including a post processor for post processing of the decoded video data stream (**3D Processor Unit (350) in figure 15**), wherein the control unit is arranged to use the information about subjective quality for control of the post processor (**Estimation Gain Parameter –K Look up Table (18) in figure 1**).

Regarding claim 22, Guissin discloses a signal format for use in transmitting a video data stream comprising at least one frame with: a header section, a motion vector (**motion vector in column 42 line 8**) section and a compressed image section (**Column 23 lines 31-34**), wherein at least one of the sections include information about subjective quality relating to the video data stream for enabling a receiving device to use the information about subjective quality when processing the video data stream

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**(Providing image quality information to at least one of a system optimizer (190) in figure 1B Ali).**

Regarding claim 23, Chen discloses a signal format according to claim 21, wherein the information about subjective quality includes information enabling prioritization of non-content program characteristics in the receiving device **(Ranking said plurality (180) in figure 1B).**

Regarding claim 24, Chen discloses a storage medium on which a signal format as claimed in claim 22 has been stored **(The value Q is stored (column 8 lines 51-56)).**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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